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June 21, 2022

VIA ECF

The Honorable Robert B. Kugler
United States District Court Judge
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets Room 1050
Camden, NJ 08101

Special Master the Honorable Thomas Vanaskie
Stevens & Lee
1500 Market Street, East Tower
18th Floor
Philadelphia, PA 19103

Re: In re Valsartan, Losartan, and Irbesartan Products Liability Litigation
Case No. 1:19-md-02875-RBK-JS
(*Michael Garrison v. Camber Pharmaceuticals, et al.*, Docket No.: 1:20-cv-15720-RBK-SAK)

Dear Judge Kugler and Special Master Vanaskie:

We represent Defendant, Camber Pharmaceuticals, Inc., in the above referenced litigation. Please accept this letter as a request to deny or otherwise strike the procedurally defective and premature “Motion for Leave to File Motion for Summary Judgment” filed by the *pro se* losartan personal injury Plaintiff, Michael Garrison, on May 31, 2022 (Doc. 40). In the alternative, pursuant to Local Civil Rule 7.1(d)(5), please accept this letter as an initial request for an extension to respond to Mr. Garrison’s Motion for Leave, which is set to be heard on the motion date of July 5, 2022. Counsel for Defendant Walmart joins in this request.

By background, this is a losartan personal injury matter originally filed in the USDC for the Eastern District of Michigan (Case No. 5:19-cv-12536-JEL-EAS). This matter was transferred to MDL No. 2875 on or about November 10, 2020. Pursuant to MDL Case Management Order (“CMO”)

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23 at ¶2 “[n]o summary judgment motions may be filed without leave of court.” Without obtaining leave of court pursuant to CMO No. 23, and without filing a short form complaint as required under CMO 24, *pro se* Plaintiff previously filed an unsigned document entitled “Motion for Summary Judgment,” on April 20, 2022 (Doc. 37). As explained by Defendants in their letter of May 2, 2022 (Doc. 38), Mr. Garrison’s filing was premature and not in compliance with Local Civil Rules 7.1 and 56.1. The court later denied Plaintiff’s purported Motion for Summary Judgment without prejudice on May 13, 2022 (Doc. 39).

Although Mr. Garrison never filed a short form complaint under CMO 24, he later filed the subject Motion for Leave under CMO 23 (Doc. 4). Again, the Motion for Leave is procedurally defective, not in compliance with local rules, and premature in this MDL. The parties in the MDL have not yet begun the discovery phase for Losartan personal injury cases and, for that reason alone, Mr. Garrison’s motion should be denied or otherwise stricken.

If the court requires a formal response to Plaintiff’s improper filing, Defendants request that the motion be deferred to the next motion date of July 18, 2022, with Defendants’ Opposition due on July 5, 2022. We appreciate the Court’s time and attention to this matter.

Respectfully,

/s/ Andrew F. Albero

Andrew F. Albero for
LEWIS BRISBOIS BISGAARD & SMITH LLP

cc: *Pro Se* Plaintiff, Michael Garrison, via Regular Mail
David Sellinger, Esquire (counsel for Walmart)
Adam Slater (lead counsel for MDL Plaintiffs)